

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

vs.

Clayton Eric Claflin

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1:20-mj-00298-SH

**ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO FILE INFORMATION OR INDICTMENT**

Before the Court is the Government's Motion to Extend Time in Which To File Information or Indictment, filed April 7, 2020 (Dkt. No. 9). Defendant did not file a response.

In the motion, the United States, by and through Assistant U.S. Attorney Sarah Wannarka, requests an extension of the time in which to file an information or indictment until 30 days following the expiration of the suspension of grand juries by order dated March 16, 2020, or any subsequent order issued in response to the spread of COVID-19 in the Western District of Texas.

On March 16, 2020, Orlando L. Garcia, Chief Judge of the United States District Court for the Western District of Texas, issued an "Additional Order Regarding Grand Jury Proceedings Under the Exigent Circumstances Created by the COVID-19 Pandemic." Effective as of that date, the Chief Judge ordered all grand jury proceedings continued through May 1, 2020, and all deadlines suspended and tolled for all purposes, including the statute of limitations. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and because of public health considerations, the time period of the continuances implemented by the Order are excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court found that the ends of justice served by ordering the continuances outweighed the best interests of the public and each defendant's right to a speedy trial, and that in fact, the best interests of the public are served by the continuances.

On April 15, 2020, given the continued severity of the risk presented by the spread of COVID-19 in the District, the Chief Judge issued a “Supplemental Order Regarding Court Operations under the Exigent Circumstances Created by the COVID-19 Pandemic.” In the April 15, 2020 Order, all grand jury proceedings were continued through May 31, 2020, and all deadlines suspended and tolled for all purposes. Once again, the time period of the continuances implemented by the Supplemental Order were excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

In compliance with both the Speedy Trial Act and the Orders continuing all grand jury proceedings in the Western District of Texas due to the exigent circumstances created by the COVID-19 pandemic, the undersigned finds that an extension of time to file an information or indictment in this case is necessary. The Court also finds that the ends of justice served by extending the time in which an information or indictment must be filed outweigh the best interests of the public and each defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A), and that in fact, the best interests of the public are served by the extension.

IT IS THEREFORE ORDERED that the Government’s Motion to Extend Time in Which To File Information or Indictment (Dkt. No. 9) is **GRANTED**. The requirement under 18 U.S.C. § 3161(b) in which to file an information or indictment in this case is extended until 30 days following the expiration of the current continuance, or any subsequent continuance, of grand juries in the Western District of Texas, and the time between March 16, 2020, and that date is excludable under 18 U.S.C. § 3161.

SIGNED on April 21, 2020.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE